

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**KRYSTAL HAWKINS and
SAMANTHA PEPOS,**

Plaintiff,

v.

**ST. CLAIR COUNTY, RONALD
SCHAEFER, JAMES BEEVER,
and RICHARD JENKINS,**

No. 07-142-DRH

Defendant.

ORDER

HERNDON, Chief Judge:

Now before the Court is Defendant Richard Jenkins' motion for leave to supplement response to Plaintiffs' motion for summary judgment with deposition transcript of Defendant (Doc. 94). Defendant asserts that Plaintiffs deposed Defendant on July 7, 2008 and that his deposition would assist the Court in ruling on the motion for summary judgment. Plaintiffs oppose the motion, arguing that Defendant's supplement is untimely and does not comply with the requirements of Rule 56(f). The Court disagrees. Defendant is not requesting a continuance to respond to the Plaintiffs' motion, but is rather seeking to supplement his response with new facts that have arisen since he filed his response. Further, the Court finds that the Defendant should be allowed to file his supplement so that the Court is able to rule on the summary judgment motion on the actual state of the facts. Therefore, the Court **GRANTS** Defendant's motion for leave to file supplemental response (Doc.

94). Defendant shall have up to and including **February 24, 2009** to file the supplemental transcript of the deposition.

IT IS SO ORDERED.

Signed this 17th day of February, 2009.

/s/ David R. Herndon

Chief Judge
United States District Court